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### REMARKS

Claims 1-10 were examined and reported in the Office Action. Claims 6-7 are amended to correct informalities. Claims 1-10 remain.

Applicant requests reconsideration of the application in view of the following remarks.

#### **I. Claim Objections**

It is asserted in the Office Action that claim 6-7 are objected to because of informalities. Applicant has amended claims 6 and 7 to overcome the informal objections.

Accordingly, withdrawal of the Examiner's objections for claims 6-7 is respectfully requested.

#### **II. 35 U.S.C. §102(e)**

It is asserted in the Office Action that claims 1 and 8 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,097,138 issued to Nakamoto ("Nakamoto"). Applicant respectfully disagrees.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of

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terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

Applicant's claim 1 contains the limitations of "[a] flat display comprising: a substrate; a field emission type electron-emitting source mounted on said substrate; a front glass member opposing said substrate through a vacuum space and having light transmittance at least partially; an electron extracting electrode with an electron passing hole and set away from said electron-emitting source to oppose said substrate; and a phosphor film formed on a surface of said front glass member which opposes said substrate, said electron-emitting source comprising a plate-like metal member with a large number of through holes and serving as a growth nucleus for nanotube fibers, and a coating film formed of nanotubes that cover a surface of said metal member and inner walls of the through holes."

Applicant's claimed invention asserts a flat display where the (entire) surface of a plate-like metal member and the inner walls (surface) of the through holes are coated with (carbon) nanotube-like fibers.

Nakamoto discloses a field emission cold-cathode device where each emitter is made up of many carbon nanotubes by an array of 6-membered rings of carbon. It is asserted in the Office Action that "a plate-like metal member (28) with a large number of through holes and a coating film formed of nanotubes that cover a surface of the metal member and inner walls of the through holes" is described in Figure 6D of Nakamoto (US. 6,097,138). According to Nakamoto, however, in Figures 6C, 6D, and column 9, lines 6-32, Nakamoto only asserts that the cathode wiring layer 28 is formed by patterning, after forming a conductive material layer on the support substrate 12 onto which a plurality of carbon nanotube layers 26 are transferred. Therefore, according to Nakamoto, the cathode wiring layer 28 is formed surrounding each of a plurality of carbon nanotubes, and thus, it cannot be stated that the cathode wiring layer 28 has a plurality of through holes. And, even if it is admitted without question that the cathode wiring layer 28 has a plurality of through holes, the inside of each through hole is filled

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with one carbon nanotube, and it cannot be stated that the inner walls of the through holes are coated with the carbon nanotube film.

Further, the carbon nanotube asserted to fill the through hole is only formed on the cathode wiring layer 28, and there is no description in Nakamoto asserting that the carbon nanotube is aimed at coating the surface of the cathode wiring layer 28. Therefore, Nakamoto does not teach, disclose or suggest Applicant's claim 1 limitations of "said electron-emitting source comprising a plate-like metal member with a large number of through holes and serving as a growth nucleus for nanotube fibers, and a coating film formed of nanotubes that cover a surface of said metal member and inner walls of the through holes."

Therefore, since Nakamoto does not disclose, teach or suggest all of Applicant's claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Nakamoto. Thus, Applicant's claim 1 is not anticipated by Nakamoto. Additionally, the claim that directly depends on claim 1, namely claim 8, is also not anticipated by Nakamoto for the above same reason.

Accordingly, withdrawal of the 35 U.S.C. §102(e) rejection for claims 1 and 8 are respectfully requested.

### III. 35 U.S.C. §103(a)

It is asserted in the Office Action that claims 4-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamoto in view of U.S. Patent No. 6,541,900 issued to Ando ("Ando").

According to MPEP §2142 "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary

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skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." "All words in a claim must be considered in judging the patentability of that claim against the prior art." (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's claims 4-6 directly or indirectly depend on claim 1. Applicant has discussed claim 1 in view of Nakamoto above in section II.

Ando discloses a flat panel display including a vacuum envelope formed therein. Ando, however, does not disclose, teach or suggest the limitations contained in Applicant's claim 1 of "said electron-emitting source comprising a plate-like metal member with a large number of through holes and serving as a growth nucleus for nanotube fibers, and a coating film formed of nanotubes that cover a surface of said metal member and inner walls of the through holes. "

Since neither Nakamoto, Ando, nor the combination of the two, disclose, teach or suggest all the limitations contained in Applicant's claim 1, as listed above, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's claim 1 is not obvious over Nakamoto in view of Ando since a *prima facie* case of obviousness has not been met under MPEP 2142. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 4-6, are also not obvious over Nakamoto in view of Ando for the above same reason.

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Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claims 4-6 are respectfully requested.

**IV. Allowable Subject Matter**

Applicant notes with appreciation the Examiner's assertion in the Office Action that claims 2-3 and 7 would be allowable if rewritten or amended including all of the limitations of the base claims and any intervening claims.

Applicant respectfully asserts that claims 1-10, as it now stands, are allowable for the reasons given above.

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### CONCLUSION

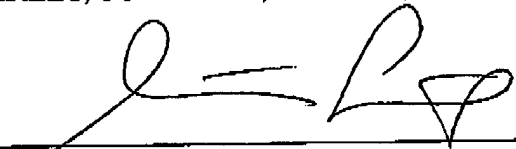
In view of the foregoing, it is believed that all claims now pending, namely 1-10, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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